

TESTIMONY OF THE BULLETS.

AN ARMY EXPERT QUESTIONED ON BURGLAR PORTER'S TRIAL.

By Which Weapon was Burglar Walsh Murdered?—Evidence from the Brother of Burglar John Irving, whom Walsh Murdered.

Juror Dunlap was five minutes late in the Over and Terminus yesterday, and Juror Quigley nearly twenty minutes. Burglar William Porter, who is on trial for his life for the murder of Burglar John Walsh in Shang Draper's saloon, sat calm and smiling through the six hours' session. Deputy Coroner Jenkins did not answer when he was called as a witness, and an attachment was issued for him.

"Now," said Prosecutor O'Brien, "we will hear Mr. White, the keeper of the Morgue."

Mr. White could not be found, and a second attendant was sent out with an attachment.

Clerk Trow of the Coroners' office and Charles J. Trow, a copying clerk in the same office, testified about the sealing of the envelopes containing the bullets produced at the trial. The most William A. Penny, District Attorney McKeon's secretary, testifying to seeing the bullets taken from the saloon and the partition in Shang Draper's saloon.

"Charles Soden A. Day will be the next witness," said Sparks announced, and an erect man with a full brown beard, clear blue eyes, and a high forehead stepped forward and sat down in the witness chair. He was the expert produced by the People to prove that the bullet which killed Walsh had the pistol found in Porter's pocket, and corresponded with the bullets of the unexploded cartridges in Porter's pistol. In answer to the questions of the prosecuting attorney, he said:

I am in the United States Army, and am detailed to the Cavalry. I have been in the Cavalry 22 years, as a private, and for my services, have been given much time to the study of arms and tactics, and have learned many ways and have devoted much time to the study of arms and tactics.

Mr. Byrne handed Capt. Day the pistol found in Porter's pocket, and asked him to tell what kind of a pistol it was and describe its caliber.

It was a .32 calibre, semi-automatic pistol. By his setting I mean that it can be fired either by cocking it first or by pulling back the trigger, and then pulling the trigger again.

What sort of time would it take to fire three shots from it? A. I could fire three shots from it inside of a second or a half.

Q. What is your business? A. I have been in the hotel business and am a tobacco-cult.

Q. Were you ever convicted? A. Yes.

Q. Are you a member of the Knights of Columbus?

Q. Was it shot from that pistol? A. Yes.

The case will be continued to-day.

the brother of Burglar John Irving, whom Burglar Walsh killed just before he was killed himself. Mr. Irving testified:

I am employed in Jones' printing company at 42 Over and Terminus. I was born in New York on the thirteenth of January. I saw my brother on the evening of Oct. 16. It was a few minutes after 7 o'clock. I met him at the station, and he said where he was. He said he had been out of money.

Q. Very well, continue.

He took a pistol out of his breast pocket and put it in his coat pocket. He then money in it. His pistol had a pearl handle, and was like this pistol (Porter's) in all respects but the handle.

Q. How came he to give it to you? A. I know that Walsh had threatened to take his life. He had heard talk that day, and said that he was going to look for me, and I told him that I would not let him get away with the pistol. I put it in my pocket. We talked together about mother. He calmed down. He said he had no money, and I told him that he would go home. On this promise I gave him his pistol. I told him to go home, and he left. I sent a check for a valet at the Grand Hotel. I told him it were four cartridges with me.

The cartridges were of .32-calibre, central fire, and similar to those in Porter's pistol.

Cross-examined.—When did you first tell the story of the cartridges? A. When I got the letter from Porter's lawyer asking me to stay at his office.

I went there, and was asked if I knew anything about the gun bearing on the trial, and I told him that I had no cartridges.

The next witness was Billy Voughburgh. He said he had the same kind of a pistol, and that the cartridges were of .32-calibre, central fire, and that he had shot, pinned his hand to his breast. The witness remained in the barroom until the police came.

Q. Did you see Porter come in? A. No. He did not come in. I can positive that he did not stand in the door.

Q. Did you see a man named Both? A. I saw a man named "Gilly the Blue." I never heard of him by any name. He was a tall, thin man, with a very pale face, and he had never been called "Gilly the Blue." After Irving had gone, he retreated into the billiard room, and I heard him say that he had been shot, and pinned his hand to his breast, and that the public might enjoy both exhibitions.

Q. Who is Gilly the Blue? A. I have no idea.

Q. Who is Both? A. Both was a tall, thin man.

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